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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

Report of the Secretary-General**

Summary

The present report has been prepared pursuant to General Assembly resolution 69/92. It provides an update on Israeli authorities' decisions and activities aimed at creating or expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan. It examines human rights violations linked to settlements, including in the context of two case studies, and the detrimental impact of settlements on efforts towards sustainable peace on the basis of a two-State solution.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/92 and covers the period from 16 May 2014 to 15 May 2015.

2. The information presented in the report is based on monitoring and other information-gathering activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and on information provided by other United Nations entities in the Occupied Palestinian Territory. The report also contains information received from Israeli and Palestinian non-governmental organizations (NGOs). The report should be read in conjunction with previous reports of the Secretary-General on Israeli settlements to the Human Rights Council and the General Assembly, particularly A/HRC/20/13, A/HRC/25/38, A/HRC/28/44, A/63/519, A/64/516, A/65/365, A/66/364, A/67/375, A/68/513 and A/69/348.

3. The report provides an update on Israeli authorities' decisions and activities aimed at creating or expanding settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, including through retroactive legalization of outposts under Israeli law. The report also examines the human rights violations linked to settlements, including in the context of two case studies, and the detrimental impact of settlements on efforts towards sustainable peace on the basis of a two-State solution.

4. In accordance with paragraph 9 of resolution 69/92, it is noted that the United Nations country team has embarked on a review of existing procurement policies to ensure full respect for and compliance with Human Rights Council resolution 17/4 and the Guiding Principles on Business and Human Rights.

II. Legal background

5. Analysis of the applicable framework and the basis for Israel's obligations in the Occupied Palestinian Territory and occupied Syrian Golan can be found in previous reports of the Secretary-General (A/69/348, paras. 4-5, and A/HRC/25/38, paras. 4-5).

III. Update on settlements during the reporting period

A. Construction, tenders, plans and expansion

6. Tenders and plans for settlements as well as the construction of settlements increased in 2014. According to the Israeli NGO Peace Now, the construction of 3,100 residential units, 2,671 permanent structures and 429 caravans and light construction structures started in the period from June 2013 to September 2014.[1]

[1] Some discrepancy between figures from Peace Now and the Israeli Central Bureau of Statistics, table N/4, "Dwellings by Stage of Construction, Initiator and District" available from: http://www.cbs.gov.il/publications15/yarhon0415/pdf/n4.pdf. The Bureau reports that construction of fewer dwelling units had begun in the West Bank in 2014 (1,344) as compared to 2013 (2,829). Peace Now figures are used in this report as they are "based on all visible construction starts on the date the aerial photos are taken". Bureau figures are based on "the date a construction permit is issued". See http://peacenow.org.il/eng/CBS_PN_Data.

Overall, the construction of settlements increased by 40 per cent compared to the period from March 2012-May 2013.[2]

7. A record 4,485 tenders were issued from January to December 2014, the highest number in a decade. A further 450 tenders were issued at the end of January 2015, including 102 in Kiryat Arba, near Hebron. Between 18 March 2013 and January 2015, the Government of Israel promoted at least 66 plans comprising 10,113 residential units in 41 settlements, a significant increase compared to previous years.[3]

8. A pause in settlement advancement in East Jerusalem, which started in November 2014, ended on 27 April 2015 when tenders were issued for 77 residential units in the settlements of Pisgat Ze'ev and Neve Ya'akov. Settlement activities were advanced in early May 2015, building on significant developments in relation to Ramat Shlomo, Har Homa and Givat Hamatos, reported previously, and significantly affecting the makeup of East Jerusalem (A/HRC/28/44, paras. 7-10).[4] Settlers continued to push into Silwan, taking over several Palestinian properties in March 2015, compounding similar developments in September 2014, when Israeli settlers moved into six buildings in the Palestinian neighbourhood of Silwan in East Jerusalem. (A/HRC/28/44, para. 11).[5]

9. In a significant and unprecedented positive development in March 2015, 2,200 new homes for Palestinians in Jabal al-Mukabber were approved by the Jerusalem District Planning Committee, and 300 existing homes were retroactively legalized.[6] There were also reports that construction of 1,500 homes in Har Homa settlement was frozen by the Office of the Prime Minister of Israel in March 2015.[7]

B. "Legalization" of unauthorized outposts

10. During the reporting period, new outposts were established (see A/HRC/28/44, para. 9). Although often established with a certain level of government support, including security and basic infrastructure, such settlements are not officially recognized under Israeli law, at least at their inception. Therefore, in addition to being illegal under international law — like all settlements — outposts are considered unauthorized under Israeli law.

11. In February 2015, the Israeli High Court of Justice ordered the demolition, by 2017, of nine unauthorized settler structures built on privately owned Palestinian

[2] Peace Now, "3rd Netanyahu Government: 40% increase in construction", February 2015, available from: http://peacenow.org.il/eng/sites/default/files/ConstructionReport2014Eng_0.pdf.

[3] Ibid.

[4] Peace Now, "The Ramat Shlomo Plan is to get the Final Green Light", 4.05.2015, available from: http://peacenow.org.il/eng/RamatShlomo, see also A/HRC/28/44, para. 10; Peace Now, "Government Issues Tenders for 85 Housing Units at Givat Ze'ev Settlement", 14.05.2015.

[5] Peace Now, "The Government Helps the Settlers Take Over a Home in Silwan", 10.03.2015 available from:: http://peacenow.org.il/eng/RuweidiHouse; Peace Now, "Settlers Entered New Properties in Silwan", 22.03.2015, available from: http://peacenow.org.il/eng/NewHousesSilwan.

[6] Daniel K. Eisenbud, "In 'major victory to Arab residents' 2,200 homes approved in east Jerusalem", *Jerusalem Post*, 31.03.2015.

[7] Stuart Winer, "Plan for 1,500 homes in East Jerusalem reportedly frozen", *The Times of Israel*, 25.03.2015: http://www.timesofisrael.com/plan-for-1500-homes-in-east-jerusalem-reportedly-frozen/.

land in the West Bank settlement outpost of Ofra.[8] The Court stated that not ordering the demolition "would have sanctioned severe harm to Palestinian rights and the rule of law".[9] In another important ruling on 25 December 2014, the High Court of Justice ordered the outpost of Amona to be evacuated within two years.[10] However, the orders have not been implemented yet and such demolitions of settler structures are frequently not carried out.

12. However, in other cases, Israeli courts, including the High Court, have refrained from intervening with respect to outposts. An example is the "Six Outposts" petition submitted by Peace Now in 2007 to the High Court for the Israeli authorities to evacuate and demolish six outposts in the West Bank. On 7 December 2014, the Court issued a verdict that did not oblige the authorities to evacuate the outposts apart from one plot and an access road.[11] The Court argued that one of the main reasons for this decision was the fact that the Israeli authorities had indicated they would be taking steps to legalize the outposts under Israeli law.

13. Although Israel has made a number of commitments to dismantle the outposts in the past,[12] for the most part this has not happened.

14. During the reporting period, NGOs documented a worrying policy shift which furthers Israeli authorities' support to settlement expansion. According to Yesh Din, since May 2011, "approximately a quarter of the 100 unauthorized outposts in the West Bank have either been retroactively approved" or are in the process of retroactive approval by the Civil Administration's Supreme Planning Committee.[13] This trend was also apparent following the Israeli elections in March 2015, with the new coalition Government committed to establishing an inter-ministerial committee tasked with proposing a framework to promote the legalization of outposts.[14]

15. The retroactive legalization under Israeli law is considered as another arm of settlement expansion, alongside the planning, tendering and construction process, and the support given to outposts at their outset, such as the security provided by

[8] Ofra is not a typical small outpost, but a large settlement entirely built on private Palestinian land with the support of the Government of Israel. The court has rejected all petitions to remove it except for these nine recent structures. For more information, see B'tselem, "The Ofra Settlement: An Unauthorized Outpost", December 2008, available from: www.btselem.org/download/200812_ofra_eng.pdf.

[9] B'tselem, Press release, "HCJ to State: Demolish nine structures in the settlement of Ofra", 9.02.2015.

[10] Yesh Din, "Historic ruling on Amona: Unauthorized outpost of Amona to be evacuated within two years; HCJ charges State NIS 20,000 for petitioners' legal fees", 25.12.2014; see http://www.yesh-din.org/infoitem.asp?infocatid=650; see also Tovah Lazaroff, "High court orders razing of last 7 homes in West Bank Migron outpost", *Jerusalem Post*, 6.01.2015, available from: http://www.jpost.com/Israel-News/Politics-And-Diplomacy/High-court-orders-raising-of-last-7-homes-in-West-Bank-Migron-outpost-386907.

[11] Peace Now, "Shalom Achshav Press Release: Israeli High Court Verdict on Peace Now's Six Outposts Petition", 11.12.2014, available from: https://peacenow.org/entry.php?id=9668#.VVXsWPAVK8g.

[12] For example, under the April 2003 Road Map for Peace.

[13] The Rights Forum and Yesh Din, "Under the Radar: Israel's silent policy of transforming unauthorized outposts into official settlements", March 2015, available from: http://www.rightsforum.org/sites/default/files/bestanden/report_under_the_radar_-_by_yesh_din_and_the_rights_forum.pdf.

[14] Peace Now, 10.05.2015, see: http://peacenow.org.il/eng/sites/default/files/JewishHomeAgreement100515.pdf.

Israel Defense Forces soldiers upon establishment of an outpost.[15] This policy effectively rewards settlers for grabbing land in the West Bank in a process that "frequently involves violations of the rights of Palestinians".[16] The lack of enforcement of the rule of law, and the rewarding of illegal activity, serves to further encourage settlement expansion — creating additional obstacles to the objective of a negotiated two-State solution, and the right of Palestinians to self-determination and thereby undermining possibilities of peace.[17]

IV. Settlements as a driver of violations of international human rights and humanitarian law and an obstacle to peace

A. Human rights violations linked to settlements

16. Settlements are at the centre of many of the ongoing human rights violations in the West Bank, including East Jerusalem (A/HRC/28/45, para. 45). The far-reaching impact of settlements on the full range of Palestinian rights was analysed in detail by an independent international fact-finding mission which found in February 2013 that the "existence of the settlements has had a heavy toll on the rights of the Palestinians", with multiple rights "being violated consistently and on a daily basis" (A/HRC/22/63, para. 105).

17. At the core of these violations is Palestinians' right to self-determination. Occupation is supposed to be temporary[18] because the annexation or acquisition of territory by force is strictly prohibited under international law.[19] The specific prohibition of transferring the population of the occupying Power into occupied territory aims at countering attempts at de facto annexation.[20] In the West Bank, including East Jerusalem, the establishment and maintenance of the settlements amount to a slow, but steady annexation of the occupied Palestinian territory. This deprives Palestinians of their right to self-determination and is an obstacle to the two-State solution (A/67/375, paras. 10-12).

18. In the case of East Jerusalem, the continued settlement advances in Jerusalem and around the Jerusalem periphery, appears to have been intended to alter the demographic composition there (A/HRC/22/63, para. 25), in the context of an illegal annexation condemned by the Security Council.[21] The impact of settlement expansion on Palestinian self-determination in the E1 area east of Jerusalem is well

[15] The Rights Forum and Yesh Din, "Under the Radar", p. 12.
[16] Ibid., p. 16.
[17] A/67/375, paras. 10-11; A/68/502, paras. 5-6.
[18] https://www.icrc.org/eng/resources/documents/misc/634kfc.htm.; International Criminal Tribunal for the former Yugoslavia, *The Prosecutor v Mladen Naletilic and Vinko Martinovic*, Case No. IT-98-34-T, Judgment (Trial Chamber, 31 March 2003, para. 214).
[19] See Charter of the United Nations, Article 2(4), and General Assembly resolution 2625 (1970).
[20] International Committee of the Red Cross, Commentary to article 49, Geneva Convention IV, available from https://www.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=523BA38706C71588C12563CD0042C407.
[21] See e.g., Security Council resolution 478 (1980).

documented (A/HRC/22/63, para. 34).[22] If fully implemented as planned, it would almost completely cut the West Bank in two at the expense of territorial contiguity.

19. Recent plans and expansions in other areas compound the fragmentation of Palestinian communities. The plan to build in Givat Hamatos threatens to cut Palestinian neighbourhoods off from each other (A/HRC/28/44, para. 7).[23] Meanwhile, the promotion of the settlement Givat Eitam in A-Nahla, near Bethlehem, threatens to carve up the West Bank, directly impacting Palestinian rights and the viability of the two-State solution.[24]

20. The settlements also have a broad impact on the rights of Palestinians, setting off a chain of human rights violations throughout the West Bank, including East Jerusalem. These violations drive the conflict and, in that respect, the Israeli authorities support for the settlements undermines prospects for peace. The settlements are indeed at the heart of a vicious cycle of land takeovers, friction between the settler and Palestinian population, increased Israeli security force presence, restrictions on freedom of movement of Palestinians, and discriminatory measures entailing multiple violations of Palestinians' rights (A/HRC/28/45; A/HRC/22/63). There also remain serious concerns regarding the linkage between the risk of forcible transfer facing Palestinian Bedouin and herding communities and settlement expansion.

21. The Secretary-General continues to be concerned about the Israeli authorities denying Palestinians access to agricultural land for reasons related to settlements, and about the huge discrepancies in water allocation between settlements and Palestinians in the West Bank.[25] At the same time demolition orders are stringently enforced against Palestinians but to a much lesser extent against settlers.[26]

22. Settler violence against Palestinians continues largely unchecked and without adequate protection or accountability on the part of the Israeli authorities. Between 16 May 2014 and 30 April 2015, Office CHA recorded 256 settler-related violence incidents in the West Bank, including East Jerusalem, leading to injuries to 95 Palestinians. This compares to 278 incidents resulting in 61 injuries between July 2013 and 15 May 2014.[27]

23. Adequate protection or accountability on the part of the Israeli authorities with regard to settler-related violence remains lacking (A/HRC/28/44, paras. 39-51). These issues were brought to the fore again when the Israeli organization Yesh Din found that the success rate of investigations into offences against Palestinians had actually worsened, despite the creation of the "nationalistic crimes unit" in the "Samaria and Judea" District Police. In 2013-2014, suspects of settler violence

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[22] See also Secretary-General's message to the United Nations Seminar on Assistance to the Palestinian People, 27.02.2013, available from: http://www.un.org/sg/STATEMENTS/index.asp?nid=6626.

[23] Peace Now, 2.10.2014, available from: http://peacenow.org.il/eng/NetanyahusFalseClaims GivatHamatos.

[24] Peace Now, "The New Settlement in E2 (Nahla) — A Significant Threat to the Two States Solution", September 2014, available from: http://peacenow.org.il/eng/E2-Nahla.

[25] A/HRC/28/44, paras. 17-38, and A/HRC/22/63, paras. 80-88.

[26] Association for Civil Rights in Israel, October 2014, p. 102, available from: http://www.acri.org.il/en/wp-content/uploads/2015/02/Two-Systems-of-Law-English-FINAL.pdf.

[27] Office for Coordination of Humanitarian Affairs, unpublished data.

against Palestinians were charged in just 1.9 per cent of cases. Between 2005 and 2014, there were indictments in 7.4 per cent of cases, according to Yesh Din.[28]

24. The linkages between settlement expansion, including retroactive legalization of outposts under Israeli law and informal means of settlement expansion, and violations of Palestinians' rights is illustrated in the following case studies examining the situation in Silwan and around Shiloh settlement and Qaryut village in the northern West Bank.

B. Case study: Silwan in East Jerusalem

25. Silwan is a Palestinian neighbourhood in East Jerusalem, just south of the Old City, with a population of 45,000 Palestinians.[29] Like other Palestinians in East Jerusalem, its residents have the status of permanent residents, rather than citizens. Silwan has sites of particular archaeological significance concentrated mainly in its northernmost neighbourhood of Wadi Hilweh.

26. It is the strategic location of Silwan, bordering the Haram Ash-Sharif/Temple Mount, which has made it a target for settlement activities, resulting in tremendous adverse impact on the rights and daily lives of local residents. A few hundred settlers live in various locations in the heart of Silwan. Silwan is also part of the so-called Holy Basin in East Jerusalem, to which millions of shekels have been allocated for settlement activities through archaeology and tourism schemes.[30]

27. Since 2005, successive Israeli Governments and the Jerusalem Municipality have allocated significant budgets — totalling 974 million shekels between 2006 and 2009 — to plans that ostensibly aim at promoting tourism development in the Old City and its environs.[31] These plans involve a variety of activities, including creation of gardens and national parks, tourist facilities and information centres.

28. While these activities appear to be part of the regular public works and tourist operations of a municipal authority, they must be understood in the very specific context of East Jerusalem. They are being carried out in cooperation with private settler organizations active in the Old City and its environs. They are therefore rooted in the illegal annexation of East Jerusalem and ongoing settlement expansion in and around Palestinian neighbourhoods there, and serve to continue changing the status quo in East Jerusalem.

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[28] Yesh Din, "Law Enforcement on Israeli Civilians in the West Bank", November 2014, http://www.yesh-din.org/infoitem.asp?infocatid=636.

[29] Civic Coalition for Palestinian Rights in Jerusalem, "Factsheet on Silwan — Destruction of Palestinian Homes and Heritage in occupied East Jerusalem", October 2014.

[30] The "Holy Basin" is a contested term for an area comprising the Muslim and Christian quarters of the Old City, Silwan, Sheikh Jarrah, At-Tur (Mount of Olives), Wadi Joz, Ras al-'Amud, and Jabal Al Mukabbir. This report refers to this area as the Old City and its environs.

[31] Amounting to $253 million. Peace Now, "Government's Plan to deepen hold over Jerusalem", May 2009, http://peacenow.org.il/eng/content/government%25E2%2580%2599s-plans-deepen-hold-over-jerusalem; Emek Shaveh, "From Silwan to The Temple Mount: Archaeological Excavations as a Means of Control in the Village of Silwan and in Jerusalem's Old City — Developments in 2012", February 2013, available from: http://alt-arch.org/en/from-silwan-to-temple-mount/.

Increased settler presence and expansions

29. There are two main settler organizations active in Silwan: Elad and Ateret Cohanim. Established in 1986, Elad on its City of David website states that it is "committed to continuing King David's legacy", including through "archaeological excavation, tourism, development, educational programming and residential revitalization".[32] In practice, Elad uses these activities to promote settler expansion into East Jerusalem, and Silwan in particular. According to the Israeli organization Emek Shaveh, the guided tours offered by the City of David associated with Elad push a "one-dimensional and limited story of the place", focusing on "the 2nd Temple period and the renewal of the Jewish presence today."[33]

30. Settler organizations have used different means to take over Palestinian property, including through the application of the 1950 Absentee Property Law.[34] The first permanent settlers' presence in Silwan started in 1991 when Elad took over two houses belonging to Palestinians in Wadi Hilweh, using the law.[35] It is estimated that at least 23 properties in Silwan were transferred to Elad's control in this way.[36]

31. Other claims have been made on the basis of the alleged ownership of the pre-1948 Yemenite Jewish community that lived in Silwan from the 1880s until 1936.[37] Some transactions appear to have been conducted with the consent of the owner, although in other cases documents were reportedly forged.[38] Settlers have also reportedly used Palestinian middlemen to purchase property on their behalf without the owner knowing who the actual buyer was.[39]

32. By September 2011, there were 380 settlers in 34 settlement outposts in Silwan, most of them affiliated with Elad and Ateret Cohanim.[40] Towards the end of 2014, the number of outposts in Silwan almost doubled. On 30 September 2014, settlers took over six large buildings consisting of 26 housing units, most of them located in Wadi Hilweh (A/HRC/28/44, para. 11). Elad was reportedly behind the takeover working through a company registered abroad and a Palestinian

[32] The Ir David Foundation, available from: http://www.cityofdavid.org.il/en/The-Ir-David-Foundation.

[33] Emek Shaveh, "Elad's Settlement in Silwan", available from: http://alt-arch.org/en/settlers/.

[34] The 1950 Absentee Property Law provides that any person who lived between 27 November 1947 and 1 September 1948 outside the boundaries of the Israeli State, his or her property automatically will be transferred to the tenure of the Israeli Custodian for Absentee Property, without any compensation.

[35] Emek Shaveh, "Elad's Settlement in Silwan"; M. Margalit, "Seizing Control of Space in East Jerusalem", May 2010, p. 69.

[36] The Association for Civil Rights in Israel (ACRI), "Unsafe Space — The Israeli Authorities' Failure to Protect Human Rights amid Settlements in East Jerusalem", September 2010, p. 36.

[37] Emek Shaveh, "Elad's Settlement in Silwan".

[38] Margalit, "Seizing Control of Space in East Jerusalem", p. 85.

[39] Ibid., pp. 84-85.

[40] Peace Now, "Settlements in Palestinian Neighborhoods in East Jerusalem", September 2011, available from: http://peacenow.org.il/eng/content/settlements-palestinian-neighborhoods-east-jerusalem; in April 2012 the Office for Coordination of Humanitarian Affairs estimated 2,000 settlers lived in Palestinian neighbourhoods in East Jerusalem, mostly in the "Holy Basin". See Office for Coordination of Humanitarian Affairs, "Settlements in Palestinian Residential Areas in East Jerusalem", April 2012, available from: https://www.ochaopt.org/documents/ocha_opt_ej_settlements_factsheet_april_2012_english.pdf.

intermediary.[41] On 20 October 2014, another two Palestinian residential structures were taken over by settlers said to be associated with Ateret Cohanim in Baten el-Hawa/Yemenite neighbourhood.[42] On 18 March 2015, Elad took over three housing units in a building consisting of four units in Wadi Hilweh.[43] Elad and Ateret Cohanim claim that they purchased the houses although this is disputed by some of the families (A/HRC/28/44, para. 11). Settlers took over another house in Silwan in early May 2015.[44]

Archaeological excavations

33. There were sporadic archaeological excavations around the Old City and Silwan at the end of the nineteenth century.[45] However, following the occupation of East Jerusalem, they have become intensely politicized and linked to the settlements in East Jerusalem.

34. Many current archaeological excavations in Wadi Hilweh are managed by Elad.[46] As Elad faced legal challenges to its takeover of property through the Absentee Property Law, it turned its focus to archaeology as a means of appropriating Palestinian property.[47]

35. In a 2005 agreement, the Israeli National Parks Authority transferred the responsibility of managing the City of David National Park to Elad. The park includes property that was previously confiscated from Palestinians because of its archaeological importance. While Elad then sub-contracted the Israel Antiquities Authority to conduct excavations, it retained control over the management of the archaeological findings.[48] Currently, excavations are ongoing in 15 different locations in Wadi Hilweh/City of David National Park.[49]

36. Elad projects in Silwan have been harmonized with plans promoted by the Government of Israel and the Jerusalem municipality. A key example is the joint Elad and Israeli National Parks Authority project for the construction of a multi-purpose tourist centre, known as the "Kedem Compound", located over an

[41] Office for Coordination of Humanitarian Affairs, *Humanitarian Bulletin*, September 2014, p. 7, https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_27_english.pdf; N. Hasson, "Settlers move into 25 East Jerusalem homes, marking biggest influx in decades", *Haaretz*, 30.09.2014, available from: http://www.haaretz.com/news/israel/.premium-1.618470.

[42] N. Hasson, "Number of Jewish Silwan residents doubles in overnight mission", *Haaretz*, 20.10.2014, http://www.haaretz.com/news/israel/.premium-1.621688.

[43] Office for Coordination of Humanitarian Affairs, "Protection of Civilians", 17-23.03.2015, available from: http://www.ochaopt.org/poc17march-23march.aspx.

[44] Peace Now, "Settlers Take Over Another House in Silwan", 6 May 2015, available from: http://peacenow.org.il/eng/AbuNab.

[45] "The Case of Silwan/City of David", *Public Archeology*, Vol. 8, No. 1, February 2009, pp. 35-50, available from: http://www.uhasselt.be/Documents/UHasselt_EN/International/Lezing%20NZ%202011/Towards%20an%20inclusive%20archeology%20in%20Jerusalem.pdf.

[46] Elad is an acronym of the Hebrew "El Ir David" meaning "To the city of David".

[47] Emek Shaveh, "Elad's Settlement in Silwan".

[48] Greenberg, "Towards an Inclusive Archeology in Jerusalem", p. 42.

[49] Emek Shaveh, "From Silwan to the Temple Mount", p. 8.

archaeological site currently under excavation at the northern part of Wadi Hilweh.[50] The proposed compound includes a museum, a visitors' centre and a parking lot with an expected accumulative area of 16,000 square metres (see A/69/348, para. 33).[51] The plan has advanced significantly in the planning process and risks extending the ongoing settlement expansion[52] in Silwan, as part of broader efforts to change the status quo in East Jerusalem.

Clashes in Silwan

37. Clashes between Palestinian residents of Silwan and Israeli security forces have been routine for years. The tension is usually directly related to the presence of settlers or plans for Israeli development in Silwan (A/HRC/16/71, paras. 20-22).

38. Tension increased after June 2014 owing to three key developments: the June-August military operation in Gaza, the kidnapping and killing of a 16-year-old youth from Shu'fat on 2 July 2014, and the tension around Al Aqsa Mosque Compound during October-November 2014.[53]

39. Between 1 July and 18 November 2014, the Office for Coordination of Humanitarian Affairs recorded 58 clashes between Israeli security forces and Palestinians in Silwan, which was the third most volatile neighbourhood in East Jerusalem after At Tur (60 clashes) and the Old City (80).[54] A total of 119 Palestinians were injured in Silwan during clashes in 2014, including 118 between July and November. Between 1 January and 30 April 2015, eight Palestinians had been injured in Silwan during clashes with Israeli security forces.[55] While the increased tension in Silwan during the second half of 2014 was the result mainly of developments not specific to Silwan, the notable increase of security forces-exacerbated tensions.

40. Settlers in Silwan are protected by hundreds of armed private guards who fall under the authority of the Israeli Ministry of Construction and Housing — illustrating the direct involvement of the Government in the Silwan settlement enterprise.[56]

41. In previous years, these guards were involved in serious human rights abuses in Silwan. In October 2010, Samer Sarhan was killed after he was shot by a private

[50] N. Hasson, "Israel approves new East Jerusalem visitors' compound, razes Palestinian community center", *Haaretz*, 13.02.2012, available from: http://www.haaretz.com/news/diplomacy-defense/israel-approves-new-east-jerusalem-visitors-compound-razes-palestinian-community-center-1.412700.

[51] Ibid., p. 24.

[52] See Section IV.A. on human rights violations linked to settlements.

[53] Office for Coordination of Humanitarian Affairs, *Humanitarian Bulletin*, June-August 2014 and October 2014, available from: https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_03_english.pdf and https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_11_26_english.pdf.

[54] Office for Coordination of Humanitarian Affairs, unpublished data.

[55] Idem.

[56] ACRI, Unsafe Space, p. 16; ACRI, High Court to State: Explain Use of Private Guards in E. Jerusalem, 13.12.2012, available from: http://www.acri.org.il/en/2012/12/13/hcj-security-guards-jerusalem/.

guard.[57] On 13 May 2011, a 17-year-old boy, Milad Ayyash, was shot and killed, allegedly by a private guard during clashes around the Beit Yehonatan outpost.[58] Both incidents provoked a series of clashes and violence in Silwan that lasted for weeks.[59] In May 2015, the Israeli NGO B'tselem appealed the decision by the Department for the Investigation of Police and by the Israel Police to close the investigations into the killing of Ayyash.[60] According to the Israeli organization, the Association for Civil Rights in Israel, an investigation into the killing of Sarhan was closed in September 2013 and a subsequent appeal rejected in April 2015.

Demolitions

42. Silwan is no exception to the discriminatory planning system in East Jerusalem, which the Secretary-General and others previously noted (A/HRC/25/38, paras. 11-14; CERD/C/ISR/CO/14-16, para. 25). The existing plans allocated for Silwan are from 1974-1976 and allow for limited construction only. The takeover of land by settler groups or inclusion within national parks further limits possibilities for Palestinian development in Silwan. In the limited areas where building is permitted, the residents face bureaucratic, administrative and financial challenges that make the process of obtaining a building permit close to impossible.[61] As a result, a wide range of unauthorized construction has been carried out in both areas where building is prohibited or not allowed. Many buildings therefore become subject to demolition.

43. In 2014, the Israeli Jerusalem municipality demolished eight structures in occupied East Jerusalem, displacing five families consisting of 29 individuals, including 17 children. The municipality delivered 27 demolition orders in 2014 and five stop-work/demolition orders concerning residential structures as of May 2015.[62]

44. Despite this strict policy on demolishing houses without a permit owned by Palestinians, the municipality has shown a different practice when enforcing such orders against settlers. The most obvious example is the settlers' outpost of seven storeys known as Beit Yehonatan, built during the period 2002-2003 in Silwan. Despite court orders to evacuate Beit Yehonatan, the authorities have not implemented them.[63]

45. Some demolition orders of Palestinian houses are directly linked to municipal takeover of land aimed at creating a contiguity of tourist sites changing the status

[57] B'tselem, Caution: Children Ahead: The Illegal Behavior of the Police towards Minors in Silwan Suspected of Stone Throwing, December 2010, p. 5, available from: http://www.btselem.org/download/201012_caution_children_ahead_eng.pdf.

[58] DCI-Palestine, "17 year old boy killed during protest in Silwan", 2.06.2011, available from: http://www.dci-palestine.org/documents/17-year-oid-boy-killed-during-protests-silwan.

[59] See, for example, B'tselem, "Caution: Children Ahead".

[60] B'tselem, "B'Tselem appeals to State Attorney's Office against closing investigative files in case of Milad 'Ayash, 17, killed by gunfire from East Jerusalem settlement", 3.05.2015, available from: http://www.btselem.org/firearms/20150503_btselem_appeals_closing_%20of_milad_ayash_case.

[61] Ir Amim, "The Giant's Garden: The 'King's Garden' Plan in Al-Bustan", p. 7, available from: http://www.ir-amim.org.il/sites/default/files/al%20bustan%20ENG.pdf.

[62] Office for Coordination of Humanitarian Affairs, unpublished data.

[63] Peace Now, "Settlers Take Over Another House in Silwan", 6.05.2015, available from: http://peacenow.org.il/eng/AbuNab.

quo in East Jerusalem.[64] In 2005, the Jerusalem municipality delivered demolition orders to houses in the Al Bustan neighbourhood, in the centre of Silwan, because they lacked a building permit.[65] These orders put at risk approximately 90 houses and threaten to displace more than 1,000 people.[66] Under a 1976 city master plan, listing only the few houses existing at that time, Al Bustan is marked as a green space and linked to plans to turn the area into a park replicating the garden of biblical King Solomon.[67]

46. There has been significant international pressure to stop implementation of the plan, and while so far none of the houses in Al Bustan have been demolished, all remain under threat. Residents of the neighbourhood provided alternative development plans prepared by professional planners, but these were rejected by the municipality.[68]

47. The latest municipality version of the plan divides the land into three parts: a residential area in the East, the park in the West and hotels in the South.[69] All houses in the western side are to be demolished for the planned biblical garden, those in the eastern side will be legalized and some additional construction will be allowed to accommodate residents of the western side whose houses will be demolished.[70]

Israeli security forces' presence and child detention

48. Human rights organizations have raised concerns regarding the detention of children in Silwan in recent years.[71] This has included the case of a 7-year-old boy from Silwan — the youngest of 700 children arrested in East Jerusalem in 2014.[72] Most of these cases in Silwan relate to stone throwing at settlers, private guards or ISF, and are linked to the friction between settlers and the local population. NGOs have also raised concerns regarding ill-treatment of child detainees in Silwan.[73]

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[64] Emek Shaveh, "From Territorial Contiguity to Historical Continuity: Asserting Israeli Control through National Parks in East Jerusalem — Update 2014", available from: http://alt-arch.org/en/national-parks-in-east-jerusalem-update-2014/.

[65] Margalit, "Seizing Control of Space in East Jerusalem", p. 5.

[66] Office for Coordination of Humanitarian Affairs, "East Jerusalem — Key Humanitarian Concerns", p. 34.

[67] B'tselem, "Al-Bustan Neighbourhood — Garden of the King", 16.09.2014, available from: http://www.btselem.org/jerusalem/national_parks_al_bustan_garden_of_the_king; Ir Amim, "The Giant's Garden", p. 5; H. Ofran, "Invisible Settlements in Jerusalem", *Palestine-Israel Journal*, Vol. 17, No. 12, 2011, available from: http://www.pij.org/details.php?id=1283.

[68] Ir Amim, "Shady Dealings in Silwan", May 2009, p. 33, available from: http://www.ir-amim.org.il/sites/default/files/Silwanreporteng.pdf.

[69] Bimkom, "From Public to National: National Parks in East Jerusalem", 2012, p. 27, available from: http://bimkom.org/eng/wp-content/uploads/From-Public-to-National_English_FINAL2012_withMAPS_lowres1.pdf.

[70] Office for Coordination of Humanitarian Affairs, "East Jerusalem — Key Humanitarian Concerns", pp. 34-35.

[71] DCI-Palestine, "Arrest and abuse by Israeli police part of life for children in Silwan", 22.02.2014, available from: http://www.dci-palestine.org/arrest_and_abuse_by_israeli_police_part_of_life_for_children_in_silwan; B'tselem, "Caution: Children Ahead".

[72] A total of 70 of the children were under the age of 13. Wadi Hilweh Information Center — Silwan, Annual Report 2014, 8.01.2015, available from: http://silwanic.net/?p=55921.

[73] Madaa Creative Center, Silwan, "The Impact of Child Arrest and Detention", 2012, pp. 14-16, available from: http://www.roomno4.org/wp-content/uploads/2013/12/2012-Madaa-Report-on-Child-arrest-and-Detention-in-Silwan.pdf. See also B'tselem, "Caution: Children Ahead".

Conclusion

49. Settlement activities in Silwan have been supported by different governmental bodies, the Jerusalem municipality and private settlers' organizations.

50. The impact of these activities on the rights and daily lives of Palestinians in Silwan is multifaceted and the situation as of May 2015 remains tense. Clashes sparked by the presence of settlers have resulted in injuries. Security forces in Silwan regularly detain children, mainly for stone throwing. Meanwhile, the local inhabitants are running out of space to live, with many at risk of their houses being demolished, while plans are made to build hotels and national parks in the limited space.

51. Settlement expansion in Silwan and around the Old City is changing the status quo and the character of East Jerusalem, and creating a physical separation between the Palestinian neighbourhoods and the Old City. Frequently expressed Palestinian aspirations remain to see East Jerusalem, including the Old City, as the future capital of the Palestinian State. The continuation of such settlement activities in East Jerusalem place significant obstacles to the peaceful settlement of the conflict.

C. Case study: settlement corridor in the northern West Bank around Shiloh settlement and Qaryut

Overview

52. In the northern West Bank, a cluster of settlements and outposts, with Shiloh at its centre, forms a near contiguous line of settlement-controlled land, stretching from the Green Line (1949 Armistice demarcation line) in the West, to the Jordan Valley in the East, effectively linking isolated outposts in the heart of the West Bank to the settlement of Ariel. The gradual growth of this settlement corridor is taking place to the detriment of the political, economic, social and cultural rights of over 35,000 Palestinians living in 10 nearby rural villages.[74]

53. The death of Palestinian Minister Ziad Abu Ein in December 2014 brings to the fore these intersecting concerns. Mr. Abu Ein was with protesters on Human Rights Day, peacefully demonstrating against the settlement of Adei Ad, residents of which have repeatedly attacked Palestinians and prevented them from cultivating their own land. The Israeli High Court has also called for dismantling the settlement, which is considered illegal under Israeli law. Ziad Abu Ein died following an assault by an Israeli soldier during a scuffle at the protest.[75]

54. The Shiloh settlement corridor, consisting of four settlements (Shiloh, Rechelim, Ma'ale Levona and Eli) and some 14 outposts, with a total estimated

[74] Palestinian Central Bureau of Statistics, http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/nabls.htm. The following Palestinian villages and towns have been identified as directly affected by settlement expansion in the area: Al Lubban ash Sharqiya, Al Mughayyir, As Sawiya, Jaiud, Qaryut, Qusra, Sinjil, Talfit, Turmus'ayya, Yasuf and Yatma.

[75] "Zeid says Israel must take action to curb rise in protest fatalities in Occupied Palestinian Territory", Geneva, 12.12.2014, available from: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15416&LangID=E#sthash.OTVoun3q.dpuf. A joint Israeli-Palestinian autopsy could not agree on the exact cause of death, see http://www.aljazeera.com/news/middleeast/2014/12/palestine-minister-autopsy-results-disputed-201412116185 7231665.html.

population of 8,747,[76] has been established and grown through a combination of measures, which typify modalities of informal settlement expansion documented throughout the West Bank. Largely based on restricting or discouraging Palestinian movement and access, these practices lead to the de facto appropriation of land by settler groups.[77] In the corridor, informal measures primarily implemented by settlers in the area, include the erection of unauthorized residential outposts, illegal takeover and cultivation of Palestinian farmland, and the establishment of archaeological excavation and touristic sites. Such practices facilitate the exertion of control over lands that are often well beyond the built-up areas or even the outer security perimeter of the settlements. In the area around Qaryut in particular, these settlement expansion tactics have frequently been enabled by acts of violence and intimidation targeting Palestinian residents of the area.

55. Illegal activity originating from the Shiloh settlement corridor is facilitated by both passive and proactive measures by Israeli authorities. These range from the absence of law enforcement towards settlers — for criminal as well as civil offences including unauthorized construction — to steps taken by the Israel Defense Forces towards the formalization and implementation of movement and access restrictions. In addition, the Israeli authorities have allocated land and resources for the erection of unauthorized outposts, and have been engaged in their retroactive formalization. Finally, large-scale public investment in tourism sites managed by settlers is further cementing the presence and expansion of settler-controlled lands in this area.

Settler violence and restrictions on access to land and resources

56. Settler violence and other criminal offences committed by Israeli civilians in the area against Palestinian residents have been met with a near absence of law enforcement by the Israeli authorities. Of a sample of 116 police investigations into alleged settler offences monitored by Israeli human rights organization Yesh Din from 2005 to 2015 in the Shiloh settlement corridor, 95 per cent ended without prosecutions.[78]

57. Between January 2012 and May 2015, the Office for Coordination of Humanitarian Affairs recorded a total of 103 settler-related incidents perpetrated against Palestinians in the communities identified above. Of these, 22 resulted in Palestinian casualties and the remainder involved damage to Palestinian property, including to at least 13,000 olive trees, a main source of income for Palestinian communities in the area.

58. Illegal settler activity, often enabled by policies and practices of the Israeli authorities, must be understood in the context of the systematic violations of the rights of Palestinians. Intimidation and violence against Palestinian farmers, landowners and herders serves to establish de facto no-go zones, and results in the gradual dispossession of Palestinian rural communities, while clearing a path for the expansion of the areas under effective settler control. Further compounding this

[76] Population data for settlements and outposts based on Peace Now estimates for 2011 except Shvut Rachel, HaBait Ha'adom and Rechalim, 2008, available from: http://peacenow.org.il/eng/content/settlements-and-outposts.

[77] Forthcoming publication, Office for Coordination of Humanitarian Affairs, *The humanitarian impact of informal settlement expansion*, 2015.

[78] The sample represents results of police investigation files monitored in Al Mughayyir, Jalud, Qaryut, Sinjil and Turmus'ayya. Yesh Din, unpublished data.

cycle, the culture of impunity enjoyed by settlers reinforces the boldness of attacks,[79] in turn causing Palestinian farmers and landowners to further restrict their movements out of fear of violence and harassment.[80]

59. A range of Israel Defense Forces practices contribute to the cycle. These include the frequent failure of Israel Defense Forces units to provide adequate protection to Palestinian residents from settler attacks, the declaration of no-go zones for Palestinians, and the institution of a permit regime by which Palestinian landowners are granted rare access to their land after coordination with the Israel Defense Forces to ensure safety of movement (A/HRC/22/63).[81] Towards the easternmost end of the Shiloh corridor, in the areas adjacent to the outposts of Adei Ad, Ahiya, Esh Kodesh, HaBait HaAdom and Kida, Palestinian landowners' access to land is almost entirely blocked, barring a few days for the ploughing and harvesting season under the coordination regime.[82]

60. The erection of roadblocks, checkpoints and road gates by Israel Defense Forces further restricts Palestinians' movement and access to land. 98.5 km of roads in the area around Qaryut are prohibited for Palestinian vehicular use (of which 77.5 km are inside settlements and settlement outer limits, or connecting settlements).[83] According to the Office for Coordination of Humanitarian Affairs, the 14 settlement outposts located in the Shiloh settlement corridor exert control over more than 150 hectares of Palestinian privately owned land.[84] The failure of Israeli authorities to protect the private property and freedom of movement of Palestinian residents of the area, not only runs counter to Israel's obligations under international humanitarian law to ensure the protection of the Palestinian population under its occupation, but further constitutes a violation of a range of human rights, including the right to an adequate standard of living.

Retroactive formalization of outposts

61. The Government of Israel has also taken deliberate, formal steps towards consolidating the presence of settlers and settlements in this part of the West Bank, including by way of a "silent policy" of retroactive formalization of unauthorized outposts noted above.[85]

62. In the Shiloh settlement corridor, this has become apparent with the approval of Rehelim and Kfar Nehemia as new settlements to the east of Ariel, effectively

[79] According to Yesh Din data, in 2013-2014, 28.3 per cent of police investigations into alleged offences by Israeli civilians in the West Bank took place inside villages, including attacks on Palestinian homes. Yesh Din, "Law Enforcement on Israeli Civilians in the West Bank", November 2014, available from: http://www.yesh-din.org/infoitem.asp?infocatid=636.

[80] Yesh Din, "The Road to Dispossession", March 2013, pp. 74-143 and map on p. 124, available from: http://www.yesh-din.org/infoitem.asp?infocatid=324.

[81] Ibid; A Hass, Israeli soldiers are licensed thugs applying state violence in the West Bank, Amira Hass, *Haaretz*, 15.12.2014, available from: http://www.haaretz.com/news/diplomacy-defense/.premium-1.631735.

[82] Kerem Navot, "Israeli Settler Agriculture as a Means of Land Takeover in the West Bank", August 2013, p. 93, available from: http://rhr.org.il/heb/wp-content/uploads/Kerem-Navot.pdf.

[83] Access restrictions include 13 earth mounds, 6 roadblocks, 1 checkpoint and 5 road gates, 2 earth walls, and 4 road barriers with a total length of 2.2 km.

[84] Office for Coordination of Humanitarian Affairs, unpublished data.

[85] Peace Now, "Netanyahu Established 20 New Settlements for Tens of Thousands of Settlers", 12.03.2015, available from: http://peacenow.org.il/eng/OutpostsLegalized.

expanding the reach of this settlement bloc. In addition, Israeli authorities have initiated procedures to allow for the retroactive approval of Haroeh, HaYovel and Shvut Rachel outposts, which will result in the further eastward consolidation of settlement control over land. Thousands of settlers who engaged in the unauthorized establishment of settlement outposts and illegal construction inside them, already protected by the Israel Defense Forces,[86] are "rewarded" with the retroactive formalization of these settlements.[87]

Archaeology and tourism

63. As in Silwan and other parts of the West Bank, Israel's policies and practices to promote tourism and archaeology sites in the areas around Qaryut consolidate settler presence there while excluding Palestinians from the right to participate in and enjoy the area's cultural life and heritage.

64. Shiloh and its satellite settlements and outposts have seen extensive private and public investments in tourism in recent years. The area is promoted by the regional settlement council (Binyamin Regional Council) as "the land of biblical heroes", targeting a broad Israeli and international public[88] with attractions and activities ranging from expansive archaeological excavations to wine tasting, cycling routes and picnic sites.[89] Several of the advertised tourism destinations are located inside unauthorized settlement outposts and known hotspots for settler violence against Palestinian residents.

65. Khirbet Seilun (promoted by Israeli authorities and settler bodies as Tel Shiloh), located on the land of the Palestinian village of Qaryut, and within the boundaries of the settlement of Shilo, is one of the most well-funded Israeli archaeological tourist sites[90] in the West Bank.[91] It is administered by the Binyamin Regional Council and a private settler organization, and features a watchtower, a visitors' centre and event facilities, offering educational activities, biblical arts and crafts workshops and guided tours. In 2012, "Tel Shiloh"' was incorporated into a national heritage development programme by a Government Decision, with an initial 5 million shekels in public funds allocated towards its development.[92] In 2014, further attesting to its significance to the consolidation of the settler presence in the area,[93] the Binyamin Regional Council submitted master plans for the site to the Civil

[86] The Rights Forum and Yesh Din, "Under the Radar", p. 12.

[87] Ibid.

[88] Y Avivi, "Israel's settlement tourism", 13.06.2014, available from: http://www.al-monitor.com/pulse/originals/2014/06/tourism-west-bank-settlements-green-line.html#.

[89] See Binyamin Regional Council website at: http://www.binyamin.org.il/?CategoryID=704.

[90] The Israeli Ministry of Tourism refers to the site as "one of the most dramatic in the country", see: http://www.goisrael.com/tourism_eng/tourist%20information/jewish%20themes/jewish_sites/pages/tel%20shiloh%20jew.aspx.

[91] Emek Shaveh, "Interim conclusions from the discussion of the objections to the development plans of Tel Shiloh (Khirbet Seilun)", 12.08.2014, available from: http://alt-arch.org/en/press-release-tel-shiloh/.

[92] $1.3 million, see: http://www.pmo.gov.il/mediacenter/spokesman/pages/spokemoreshet140212.aspx (Hebrew).

[93] "Tel Shiloh" has also been the site of numerous ministerial visits. Most recently, Israeli Minister of Education (at the time, Minister of Housing) Naftali Bennet, can be seen in December 2014 encouraging the revival of an ancient tradition to visit the site during Jewish High Holidays: available from: https://www.facebook.com/AncientShilo/videos/vb.290996024346212/662677760511368/?type=1&theater (Hebrew).

Administration, proposing its further development to include over 300,000 square metres of land, including the construction of an amphitheatre, a commercial tourism centre, a hotel and parking lots to accommodate 5,000 visitors per day.[94]

66. According to archaeologists with the Israeli organization Emek Shaveh, the narrative presented by tour guides, audiovisual presentations and signage at "Tel Shiloh" emphasizes biblical events, with Jewish-Christian faith and tradition determining the content of the antiquities site to the exclusion of a full archaeological accounting of the range of artefacts that have in fact been found at the site. There is a disregard for the Muslim and Palestinian history of the site, including the ruins of a mosque.[95] Exacerbating the exclusion of the area's residents and their ties to the site in the narrative chosen by the site's administrators, Palestinians, until recently, were prohibited from accessing Khirbet Siloun or the entire "Tel Shiloh" complex, owing to security restrictions imposed by Israel.[96]

Conclusion

67. The gradual expansion of lands under settlement control in the area around Qaryut has resulted in the consolidation of settler control over a corridor of Area C land stretching from the Green Line to the Jordan Valley. This "corridor" is further fragmenting the West Bank, with direct detrimental consequences for Palestinians' right to self-determination.

68. Israel's policy of retroactive formalization of outposts in the area sets a dangerous precedent by effectively rewarding unlawful behaviour, and thereby potentially further entrenching the cycle of violence in the area, as well as more broadly throughout the West Bank.

69. The creation and consolidation of unauthorized outposts in the "Shiloh corridor" was brought about through violence, intimidation and unlawful activity that have resulted in violations of the rights of Palestinian residents of the area.

D. Settlement expansion and the viability of the two-State solution

70. As the outgoing United Nations Special Coordinator for the Middle East Peace Process noted in his final briefing to the Security Council, "Illegal settlement activity simply cannot be reconciled with the objective of a negotiated two-State solution and may kill the very possibility of reaching peace on the paradigm of two States for two peoples." He warned that "the minimum conditions of trust cannot be restored without the new Israeli government taking credible steps to freeze settlement activity."[97]

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[94] Emek Shaveh, "Tel Shiloh (Khirbet Seilun) — Archaeological settlement in the political struggle over Samaria", November 2014.

[95] Ibid., p. 22.

[96] See "Archaeological Dig Inside Settlement Must Be Open to Palestinians, Civil Administration Decides", *Haaretz*, Friday, 12 August 2015, where the Israeli Civil Administration in a recent decision insists that the site should be made available to all, including Palestinian visitors.

[97] Robert Serry, Special Coordinator for the Middle East Peace Process, Briefing to the Security Council on the Situation in the Middle East, 26.03.2015, available from: http://www.unsco.org/Documents/Statements/MSCB/2008/Security%20Council%20Briefing%20-%2026%20March%202015.pdf.

71. The Secretary-General has called on the Government of Israel on a number of occasions "to halt and reverse such decisions in the interest of peace and a just final status agreement," most recently following a flurry of settlement activity in early May 2015.[98]

72. Just before the March 2015 elections, Prime Minister Netanyahu reportedly committed to continued building in East Jerusalem during a tour of Har Homa settlement, promising that "we will continue to build in Jerusalem; we will add thousands of housing units."[99]

73. This follows a series of declarations and actions in recent years by various Israeli politicians aimed at obtaining a formal endorsement by the State of the 2012 "Report on the Legal Status of Building in Judea and Samaria" (the Levy Report). The Levy Report contains a legal analysis of the settlements that has been challenged as flawed, and, if its recommendations were to be implemented, would clear the way for large-scale settlement expansion.[100] The legalization of outposts is a stated political objective of HaBayit HaYehudi — one of the parties of the governing coalition Government.

74. The continued existence of the settlements drives violations of human rights in the Occupied Palestinian Territory and challenges the viability of the two-State solution. The Secretary-General reiterates his call on Israel to demonstrate its stated commitment to peace with the Palestinians by ceasing and reversing settlement activity (A/HRC/28/45, paras. 43-45).

V. Settlements in the occupied Syrian Golan

75. In the occupied Syrian Golan, about 21,000 settlers continue to live in 33 Israeli settlements.[101] In line with previous measures to consolidate the presence of settlements and settlers, reportedly, in July 2014, an Israeli college in the occupied Syrian Golan offered a wide range of financial incentives to prospective students in order to increase its enrolment into the college. The college, located in Katzrin settlement, seeks to double its enrolment to 2,500 students over the next seven years. It is reported that in order to do so, Israeli authorities will invest

[98] Statement attributable to the Spokesman for the Secretary-General on Israeli settlements in the occupied West Bank, including East Jerusalem, 15.05.2015, available from: http://www.un.org/sg/statements/index.asp?nid=8632.

[99] Agence France Press," If reelected, Netanyahu vows wave of E. Jerusalem building", 16.03.2015, available from: http://news.yahoo.com/netanyahu-attacks-rivals-jerusalem-last-pitch-voters-110810742.html.

[100] "Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk" (A/HRC/25/67), 13.01.2014. For detailed critiques of the analysis of the Levy Report, see, for example: Yesh Din, "Unprecedented: A Legal Analysis of the Report of the Committee to Examine the Status of Construction in Judea and Samaria", May 2014, available from: http://www.yesh-din.org/infoitem.asp?infocatid=580; I. Scobbie, "Justice Levy's Legal Tinsel: The Recent Israeli Report on the Status of the West Bank and Legality of the Settlements", 6.09.2012, available from: http://www.ejiltalk.org/justice-levys-legal-tinsel-the-recent-israeli-report-on-the-status-of-the-west-bank-and-legality-of-the-settlements/.

[101] A/68/513, para.53, and "Residents in the Occupied Golan Heights Fear Creeping Israeli Presence", Middle East Eye, 2.09.2014. http://www.middleeasteye.net/news/golan-heights-residents-fear-creeping-israeli-presence-587458799.

millions in the settlement, including building new student accommodation, and provide monthly stipends of up to 75 per cent for rent fees.[102]

76. The government-sponsored agricultural expansion has also been linked to Israel's efforts to increase the settler presence in the occupied Syrian Golan for the purpose of further exploiting the natural resources of the territory for economic gain.[103] Reportedly, on 11 September 2014, an Israeli company was granted exclusive licence to conduct exploratory drilling for oil in 10 possible locations in the occupied Syrian Golan.[104] Shortly thereafter, the Israeli High Court reportedly froze the company's efforts to proceed with exploratory drilling, owing to a petition submitted by environmental activists. The petition remains undecided. In this connection, the Secretary-General previously raised concerns regarding Israeli Government-sponsored investments in the occupied Syrian Golan, including licences granted for oil and gas exploration by multinational companies (A/68/513, para. 54).

VI. Conclusions and recommendations

77. **Israeli settlement-related activities and settler violence are at the core of many of the violations of human rights in the Occupied Palestinian Territory, including East Jerusalem.**

78. **Israel must halt the creation and expansion of settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan. In addition, the Secretary-General calls on Israel to immediately stop using land control methods, such as agriculture, archaeological parks and educational centres, aimed at expanding the area effectively occupied by settlements.**

79. **Settlement expansion, including in areas such as Silwan and around Qaryut in the northern West Bank, takes multiple forms and is supported and encouraged by the Israeli authorities in stark contravention of international law, including through retroactive legalization of outposts under Israeli law. The result is a significant obstacle to the exercise of Palestinians' right to self-determination.**

80. **The existence and growth of the settlements is closely linked to the deprivation of the rights of Palestinians. Touristic and archaeological developments deprive Palestinians of access to land as well as their cultural rights. At the same time, settlers' presence in these areas increases tension. The Israel Defense Forces is deployed to defend settlements established in contravention of Israeli law. The security of Israeli settlers outplays that of Palestinians, undermining the equal application of the law. As the occupying Power, Israel is responsible for the protection and welfare of Palestinians in the Occupied Palestinian Territory.**

81. **As settlements expand, Palestinians face an array of obstacles in terms of building their own homes, including the threat of demolition.**

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[102] "As world watched Gaza, Israel announced 1472 new settlements in the West Bank", Mondoweiss blog, 30.08.2014.

[103] http://golan-marsad.org/wp-content/up'oads/Settlement-Agricultural-Expansion-in-the-Golan-Final-editedCrystal.pdf.

[104] "Israel's oil drilling in Golan criticised", 30.12.2014, *Al-Jazeera*.

82. The Government of Israel must stop funding and supporting touristic and archaeological projects, often managed by settler organizations, which contribute to the consolidation of settler presence in the Occupied Palestinian Territory and result in violations of the rights of Palestinians, including their rights to self-determination and freedom of movement.

83. Continued settlement expansion and related violations of the Palestinians' rights run counter to the objective of a negotiated *two*-State solution. The Government of Israel must fulfil its obligations under international humanitarian law to cease the transfer of its civilian population into occupied territory and must immediately freeze and reverse all settlement activity.

84. The Government of Israel must implement relevant United Nations resolutions, including Security Council resolutions pertaining to territories occupied since 1967.